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August 17, 2022

VIA CM/ECF

The Honorable John G. Koeltl
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: *Business Casual Holdings, LLC v. YouTube, LLC et al.*,
No. 1:21-cv-03610-JGK**

Dear Judge Koeltl:

We write in response to Plaintiff Business Casual's request for a retroactive extension of time to submit a reply brief in further support of its motion for leave to amend the complaint. Dkt. 59. Had Plaintiff requested a short extension at any time before its filing deadline, we would have been accommodating, as we have been on multiple prior occasions. *See* Dkts. 45, 48, 52. But Plaintiff let its reply deadline come and go without contacting us, indicating any scheduling or health issues, or indicating that it needed more time.

This is the third straight time Plaintiff has claimed that its CEO, Alex Edson, has fallen ill right around the time that a brief is due. *See* Dkts. 46, 51. While we would normally take the representations in Plaintiff's letter to the Court at face value, we were surprised to see that yesterday – the same day as its belated request for an extension – Mr. Edson posted a lengthy video to his YouTube channel (available at <https://youtu.be/4IaOeVgZ-wc>) making a variety of baseless claims about this case and asserting conspiracy theories about YouTube. Mr. Edson, who does not appear in poor health, specifically targets Defendants' counsel by personally ridiculing them, accusing them of lying to the Court, identifying them by name, and posting their photographs (*see, e.g.*, clips beginning at 27:45, <https://youtu.be/4IaOeVgZ-wc?t=1665>, and 1:43:00, <https://youtu.be/4IaOeVgZ-wc?t=6180>, where Mr. Edson states: "If you guys are wondering how this possibly could have happened, and how a judge can get it so wrong, it's because YouTube's lawyers are pathological liars. These people have no regard for the truth. Put simply, YouTube has been successful in misleading the court.").

Although it is unclear when this footage was recorded, it was posted yesterday, suggesting Mr. Edson has likely been busy finalizing it over the last few days or weeks while he could have been attending to the reply brief. We think it appropriate for the Court to consider

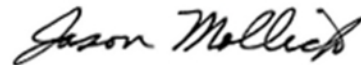
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The Honorable John G. Koeltl
August 17, 2022
Page 2

this sequence of events in determining whether to retroactively allow Plaintiff additional time for a reply brief that it failed to file according to the Court's deadline.

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

A handwritten signature in black ink that reads "Jason Mollick". The signature is written in a cursive, flowing style.

Jason Mollick